

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN JOE MCKENNEY**, on April 2, 2003 at 9:00 A.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Joe McKenney, Chairman (R)
Rep. Jim Keane, Vice Chairman (D)
Rep. Bob Bergren (D)
Rep. Rod Bitney (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Nancy Fritz (D)
Rep. Dave Gallik (D)
Rep. Kathleen Galvin-Halcro (D)
Rep. Ray Hawk (R)
Rep. Bob Lawson (R)
Rep. Rick Maedje (R)
Rep. Gary Matthews (D)
Rep. Scott Mendenhall (R)
Rep. Penny Morgan (R)
Rep. Allen Rome (R)
Rep. Sandy Weiss (D)
Rep. Bill Wilson (D)

Members Excused: Rep. Donald Steinbeisser, Vice Chairman (R)

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Alberta Strachan, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: None

Executive Action: SB 432 Be Concurred In; SB 389 Be Concurred In; SB 444 Be Concurred In As Amended; SB 402 Be Concurred In As Amended; SB 235 Tabled; SB 46 Be Concurred In As Amended; SB 415 Remove from being tabled - failed;

EXECUTIVE ACTION ON SB 432

{Tape: 1; Side: A; Approx. Time Counter: 1 - 500}

Motion/Vote: REP. KEANE moved that SB 432 BE CONCURRED IN.

Motion carried 18-0 with CHAIRMAN McKENNEY giving a voice vote for REP. STEINBEISSER.

Motion/Vote: REP. MORGAN moved SB 432 BE PLACED ON THE CONSENT CALENDAR. **Motion carried 18-0** with CHAIRMAN McKENNEY giving a voice vote for REP. STEINBEISSER.

REP. GALLIK will carry the bill on the House Floor.

EXECUTIVE ACTION ON SB 389

Motion: REP. MORGAN moved that SB 389 BE CONCURRED IN.

Motion: REP. MORGAN moved that SB 389 BE AMENDED.

EXHIBIT (buh70a01)

Discussion:

Mr. Campbell explained the amendments.

Vote: Motion failed 9-9 to adopt AMENDMENTS with REPS. KEANE, HAWK, WILSON, FRITZ, LAWSON, GALLIK, BERGREN, GALVIN-HALCRO voting no and CHAIRMAN McKENNEY giving a voice vote for REP. STEINBEISSER.

Vote: Motion carried 15-3 with REPS. WILSON, WEISS, GALVIN-HALCRO voting no and CHAIRMAN McKENNEY giving a voice vote for REP. STEINBEISSER.

REP. BRUEGGEMAN will carry the bill on the House Floor.

EXECUTIVE ACTION ON SB 444

Motion: REP. BERGREN moved that SB 444 BE CONCURRED IN.

Motion: REP. MORGAN moved that SB 444 BE AMENDED.

EXHIBIT (buh70a02)

Discussion:

REP. MORGAN discussed and questioned the penalty provisions.

Mr. Campbell said with the coordination instructions, the penalty section would go away. That same section is in the other bill and the provisions will be covered. The Attorney General is required to enforce the penalty provisions by law.

REP. MENDENHALL asked Mr. Campbell about the difference in the penalties in each bill. Mr. Campbell said this bill deals with insurance and the securities issues with financial exploitation of the elderly.

REP. KEANE said a volunteer and a person that exploits can be the same person. That does happen.

CHAIRMAN MCKENNEY said he will be supporting the amendment.

Vote: Motion carried 18-0.

Motion/Vote: REP. MORGAN moved that SB 444 BE CONCURRED IN AS AMENDED. Motion carried 18-0 with CHAIRMAN MCKENNEY giving a voice vote for REP. STEINBEISSER.

REP. DOWELL will carry this bill on the House Floor.

EXECUTIVE ACTION ON SB 402

Motion: REP. GALVIN-HALCRO moved that SB 402 BE CONCURRED IN.

Motion: REP. MAEDJE moved that SB 402 BE AMENDED.

EXHIBIT (buh70a03)

Discussion:

Mr. Campbell explained the amendments.

REP. BITNEY questioned the term "one physical office in the state" and it does not say this office could be in conjunction with another company.

CHAIRMAN McKENNEY said it was a good idea to clarify the term.

Vote: Motion carried 18-0 with CHAIRMAN McKENNEY giving a voice vote for REP. STEINBEISSER.

Motion: REP. GALVIN-HALCRO moved that SB 402 BE CONCURRED IN AS AMENDED.

Discussion:

REP. BITNEY said mortgage brokers often work with many sources of funding vs a mortgage banker. Mortgage bankers are still exempt from this bill.

REP. GALLIK said mortgage bankers are not exempt and must be licensed in the State of Montana. **Ms. Blazer** said the way the bill is worded, a mortgage banker is exempt. But, that mortgage banker also provides services as a broker, he needs to be licensed with respect to those services. It is strictly a mortgage banker that is not covered.

CHAIRMAN McKENNEY said his profession is highly regulated. He said he will vote against bill like this that bring new regulation on people.

Vote: A roll call vote was taken. Motion carried 15-3 with REPS. McKENNEY, HAWK, MENDENHALL voting no and CHAIRMAN McKENNEY giving a voice vote for REP. STEINBEISSER.

REP. YOUNKIN will carry this bill on the House Floor.

EXECUTIVE ACTION ON SB 235

Motion: REP. KEANE moved that SB 235 BE CONCURRED IN.

Motion: REP. KEANE moved that SB 235 BE AMENDED.

EXHIBIT (buh70a04)

EXHIBIT (buh70a05)

Discussion:

Mr. Campbell explained both sets of amendments.

REP. KEANE explained he wanted these regulations to remain under the Board and this is the language in the Keane amendment. In the Bohlinger amendment the language does not remain under the Board.

REP. BERGREN said he was in the discussion with Gary Langley and he indicated the authority was going to be put under the Athletic Board. They could, however, still make the rules for boxing.

REP. GALLIK said he supports the Keane amendments but he also agrees with **REP. BERGREN** about staying under the control of the Board of Athletics.

Substitute Motion/Vote: **REP. BERGREN** moved that SB 235 BE TABLED. A roll call vote was taken. Motion carried 14-4 with **REPS. KEANE, BITNEY, GALLIK, MENDENHALL** voting no and **CHAIRMAN McKENNEY** giving a voice vote for **REP. STEINBEISSER**.

EXECUTIVE ACTION ON SB 46

Motion: **REP. MENDENHALL** moved SB 46 BE REMOVED FROM TABLE.

Discussion:

CHAIRMAN McKENNEY asked **REP. MENDENHALL** his reason for removing from the Table motion. **REP. MENDENHALL** stated the amendments which were voted down may have more support not then they did. **CHAIRMAN McKENNEY** said he preferred the bill stay where it was - tabled.

REP. BERGREN he supported the motion.

Vote: A roll call vote was taken. Motion carried 11-7 with **REP. McKENNEY, STEINBEISSER, BITNEY, HAWK, MATTHEWS, MORGAN, ROME** voting no and **CHAIRMAN McKENNEY** giving a voice vote for **REP. STEINBEISSER**.

Motion: **REP. MENDENHALL** moved that SB 46 BE CONCURRED IN.

Motion/Vote: **REP. MENDENHALL** moved that SB 46 BE AMENDED. A roll call vote was taken. Motion carried 18-0 with **CHAIRMAN McKENNEY** giving a voice vote for **REP. STEINBEISSER**.

Discussion:

REPS. MORGAN, CHAIRMAN McKENNEY opposed the bill.

REPS. GALLIK, KEANE opposed the bill.

Motion/Vote: REP. MENDENHALL moved that SB 46 BE CONCURRED IN AS AMENDED. Motion carried 10-8 with REPS. McKENNEY, STEINBEISSER, BITNEY, HAWK, MATTHEWS, MENDENHALL, MORGAN, ROME voting no by roll call vote and CHAIRMAN McKENNEY giving a voice vote for REP. STEINBEISSER.

REP. GALLIK will carry this bill on the House Floor.

EXECUTIVE ACTION ON SB 415

Motion/Vote: REP. LAWSON moved SB 415 BE REMOVED FROM TABLE. Motion failed 9-9 with REPS. STEINBEISSER, KEANE, BERGREN, BITNEY, FRITZ, GALVIN-HALCRO, MENDENHALL, ROME, WEISS voting no by roll call vote and CHAIRMAN McKENNEY giving a voice vote for REP. STEINBEISSER.

ADJOURNMENT

Adjournment: 9:00 A.M.

REP. JOE MCKENNEY, Chairman

ALBERTA STRACHAN, Secretary

JM/AS

EXHIBIT (buh70aad)